



Telford & Wrekin
Co-operative Council

Protect, care and invest
to create a better borough

Transgender and Non-Binary Inclusion Policy

Human Resources

Introduced: June 2024

1. Introduction

As a diverse and inclusive employer, we strive to provide a workplace culture where all staff, regardless of gender identity, gender expression or trans status, can thrive at work. We believe that every employee should be able to be themselves at work and feel that they belong.

This policy sets out the steps we will take to support transgender employees, non-binary employees and employees who are transitioning at work.

The policy is supported by guidance notes which are referred to throughout.

2. Scope

This policy applies to all Council employees except those employed in schools under Local Management of School provisions (for centrally employed teachers the conditions of service for teachers in England and Wales apply alongside this policy).

3. Policy commitments

As an employer, we are committed to:

- advocating for the rights, inclusion and progression of transgender and non-binary employees within the workplace;
- empowering transgender and non-binary employees to express their authentic self in the workplace;
- providing a working environment that is free from discrimination, harassment or victimisation for all staff;
- ensuring that non-binary and transgender employees are treated with dignity and respect within the workplace;
- ensuring that confidentiality is maintained at all times and that information is not shared without the prior agreement of the individual;
- investigating allegations of discrimination, harassment or victimisation and taking action against perpetrators where appropriate;
- ensuring that non-binary and transgender employees are not disadvantaged or treated less favourably at work because of their gender identity;
- ensuring training is available to all staff on transgender equality and gender reassignment;
- ensuring compliance with relevant legislation including the Gender Recognition Act 2004, the Equality Act 2010 and the Public Sector Equality Duty.

4. Terminology

We recognise that terminology around gender identity is evolving as awareness increases and more people choose to self-define.

For the purpose of this policy, 'trans' or 'transgender' people are those whose gender identity differs from their sex assigned at birth. This may involve medical or surgical procedures, but it does not have to.

'Transitioning' is the process undertaken by a trans person in order to bring their gender presentation into alignment with their gender identity.

'Non-binary' refers to a person who has a gender identity that is not male or female.

Managers and colleagues should respect how an individual chooses to describe themselves and, if in doubt, should ask rather than assume. Using inappropriate language and terminology can cause offence and distress and undermines our efforts to create an inclusive workplace.

The remainder of this policy is split into 3 sections:

- **Section 5: Entry into the organisation** - this includes our policies around recruitment, selection and on-boarding;
- **Section 6: Supporting trans / non-binary employees in the workplace** – this includes how we will prevent harm and protect well-being;
- **Section 7: Supporting employees who transition at work**

5. Entry Into the Organisation

We look to attract applicants from as wide a talent pool as possible and our recruitment processes are designed to be inclusive of all applicants regardless of their gender identity.

In line with our policy on equal opportunities in employment, we will gather and analyse information relating to the diversity of the workforce and job applicants. Equality monitoring enables us to identify under-representation, and monitoring data helps inform our priorities for action. Gender identity is included among other personal characteristics in our equality monitoring criteria.

All recruiting managers will receive training in recruitment and selection, equality awareness and unconscious bias.

Our job advertisements will make clear that opportunities are open to all suitably qualified / experienced applicants.

Gender identity will not be taken into consideration when shortlisting or interviewing applicants.

Applicants will not be asked questions about their gender identity or history at interview.

If an applicant chooses to disclose their gender identity or history before or during the recruitment process, this will have no bearing on the outcome and will be kept confidential. In such cases, they will be offered the option of a named contact to support them through the process. This may be the manager or a representative from Human Resources.

In relation to employment checks, including right to work in the UK, all applicants will be made aware of the full range of permissible identification documents. The process of checking will be handled sensitively and with respect for privacy.

When requesting references, we will use the applicant's name and gender since transitioning. We will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the applicant.

If a DBS check is required for the post, we will highlight to all applicants, the confidential procedure available to trans people. This ['sensitive applications' route](#) gives transgender and non-binary applicants the choice to not include information on their DBS certificate that could reveal a previous gender identity.

Photocopies of certificates or any other personal information that is in the applicant's previous name, will be stored securely and only accessed by named individuals.

6. Supporting trans and non-binary employees within the workplace

As well as promoting transgender equality within the organisation, we will also prevent harm and protect the wellbeing of our transgender and non-binary employees within the workplace. We will do this in the following ways:

Employee relations

An employee's gender identity will not have a bearing on any employment decisions.

Maintaining privacy and data protection

It is an employee's decision as to whether they choose to reveal their gender status, and we will respect their right to privacy.

Where an employee does disclose information about their gender history or status (verbally or in writing), this will be treated as confidential and will not be shared with

others (including third parties), unless there is a specific reason and the individual has provided written consent.

There may be certain circumstances where an employee is required to disclose their gender history for insurance and pension purposes. In such circumstances, we will handle such information in line with the requirements of data protection legislation.

Where there is a need to retain documentation that shows an employee's gender history, this information will be stored confidentially in line with the requirements of data protection legislation.

Only named individuals will be allowed to access this information and those individuals will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action.

The disclosure of the gender history of an employee with a Gender Recognition Certificate without their specific permission will normally be a criminal offence under Section 22 of the Gender Recognition Act (2004).

Employees may withdraw their consent to the processing of their personal information at any time.

Preventing harm and protecting wellbeing

We will adopt a zero-tolerance approach to harassment, bullying or victimisation of transgender and non-binary colleagues.

Examples include, but are not limited to:

- verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about transgender or non-binary people;
- asking an individual if they have a Gender Recognition Certificate;
- jokes and banter about someone's gender identity or transgender people generally;
- refusing to use the appropriate pronoun;
- threatening behaviour or physical abuse;
- intrusive questioning about someone's gender identity or transition;
- excluding a transgender colleague from conversations or from social events;
- refusing to work with someone because they have transitioned; and
- displaying or circulating transphobic images and literature.

Any such behaviour may result in action being taken under our Disciplinary Policy (if it relates to employees) or our Treating Council Employees with Dignity & Respect (if it relates to customers or other third parties).

If we consider that the behaviour was unintentional, then a conversation, training and raising awareness may be an appropriate initial response before escalating to more formal procedures.

We recognise that some individuals may have gender-critical views and that holding these views is not in itself unlawful discrimination. However, we will not tolerate the manifestation of these beliefs in a discriminatory way at work.

7. Supporting individuals who transition at work

We are committed to reassuring colleagues who are transitioning at work that they will be fully supported and that the process will be led by them.

Once we have been made aware by an employee that they will be starting, or have started the process of transitioning, an appropriate point of contact (who may or may not be the employee's manager) will be agreed with them. This person will work with them to develop a confidential action plan to manage their transition at work.

Regular review meetings will be arranged to ensure that the right support is in place and enable the plan to be amended as things change.

No action will be taken without the individual's consent.

Attendance at appointments and time needed for treatment and surgery

We recognise that not every person who transitions will decide to have surgery; and that the length of time it takes to transition will depend on the specific circumstances and the type of treatment that the individual decides to have.

Any treatment the individual chooses to have should not be regarded as cosmetic or elective.

We recognise that certain appointments are only available in limited areas of the country (requiring lengthy travel) or may need to happen during the working day, and long NHS waiting lists can have significant negative effects on those waiting for treatment.

We will ensure staff are made aware of the support available to them through the Employee Assistance Programme, including access to confidential counselling.

Time off for transition will not be treated any less favourably than any other type of absence and will be dealt with under the relevant policy.

Managers will engage with the individual to find a collaborative and mutually beneficial solution which might involve a combination of paid special leave, annual leave, flexi leave and/or unpaid leave.

Consideration will be given to:

- requests from the employee to be temporarily redeployed during transition (or on a permanent basis);
- requests to work flexibly during transition or after certain treatments e.g. reduced hours;
- other adjustments to the role e.g. light duties following procedures.

Names and pronouns

Where an employee changes their name, we will take all necessary steps to ensure that the change of name is respected.

We will never ask an individual if they have a Gender Recognition Certificate to verify a name change and we will respect their chosen pronouns.

Consistently addressing a transgender colleague by their previous name and/or an inappropriate pronoun may amount to harassment and will be dealt with accordingly.

Telling colleagues

We will work with the employee to agree who will inform colleagues, what they will be told, when they will be told and how this will happen.

Where the employee works in a customer-facing role we will agree with them how this should be handled.

Uniforms / PPE

We will ensure that transgender employees are provided with a uniform appropriate to their gender and appropriate PPE from the point at which they present in their affirmed gender.

Changing facilities, toilets and other single sex facilities

We will support a transgender employee's right to use the toilets and facilities appropriate to their gender from the point at which they present in their affirmed gender.

We will agree with the employee how this should be communicated to colleagues.

Any concerns raised by others will be dealt with promptly and sensitively.

Updating records

An employee does not need a Gender Recognition Certificate to request that their details are updated on their employee record.

We will agree with the employee what paper and electronic records need to be changed and these will be updated in a timely manner.

Where other people in the organisation need to be aware of the employee's transition in order to make a change to a particular record, we will obtain their consent and restrict the information to those who need to know.